

### **REMARKS**

Claims 22-45 are pending in the present application. Claims 22-45 stand rejected. Claims 38-39 and 42-43 are designated as allowable in the Office Action. The Applicants cancel claims 22-37, 40-41 and 44-45 herein without prejudice or disclaimer. Thus, no new matter is added.

#### **35 U.S.C. § 112 first paragraph.**

Claims 22-39, 40-41, 44-45 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. In particular the Examiner alleges that the amendment entered on June 19, 2007 entered new matter into the claims because of the phrase “specific for binding.” The Examiner further alleges that the word specific implies a genus of antibodies. The Applicants respectfully disagree with the Examiner’s allegation; however, in order to advance prosecution, the Applicants cancel claims 22-37, 40-41 and 44-45 without prejudice or disclaimer, thus, rendering rejection of these claims moot. The Applicants respectfully submit that independent claim 38 does not recite the phrase specific binding and, therefore, even if this rejection were proper, claims 39-39 should not be rejected for this reason. Accordingly, the Applicants respectfully request withdrawal of this rejection with respect to claims 38-39.

#### **35 U.S.C. § 112 second paragraph.**

Claims 22-39, 40-41, 44-45 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner alleges that it is unclear which antibodies would be “specific” for binding to a polypeptide comprising SEQ ID NO:9 or a polypeptide comprising SEQ ID NO:9 wherein Thr residues number 130 and Gly residues number 358 shown in SEQ ID NO:9 are replaced by Ile and Asp, respectively. The Examiner appears to interpret the word “specific” for binding to a polypeptide to require a  $K_m$  or a  $K_d$  for an antigen epitope. The Applicants respectfully disagree with the Examiner’s allegation; however, in order to

advance prosecution, the Applicants cancel claims 22-37, 40-41 and 44-45 without prejudice or disclaimer, thus, rendering rejection of these claims moot. The Applicants respectfully submit that independent claim 38 does not recite the phrase specific binding and, therefore, even if this rejection were proper, claims 39-39 should not be rejected for this reason. Accordingly, the Applicants respectfully request withdrawal of this rejection with respect to claims 38-39.

**35 U.S.C. § 102.**

Claims 22-24, 26, 27, and 29-35 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Wilson *et al.* (U.S. Patent 6,911,530 which is a divisional of 09/051,843 filed 10/23/96). The Applicants cancel claims 22-37, 40-41 and 44-45 without prejudice or disclaimer, thus, rendering rejection of these claims moot.

**35 U.S.C. § 103.**

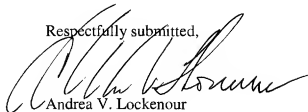
Claims 22-37 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aman (*J. Biol. Chem.* Vol. 271, No. 46 November 15 pages, 29265-29270, 1996) in view of Queen, *et al.* (U.S. Patent No. 5,693,762), Takatsu, *et al.* (U.S. Patent No. 5,453,491) and Ladner (U.S. Patent No. 4,946,778). The Applicants cancel claims 22-37 without prejudice or disclaimer, thus, rendering rejection of these claims moot.

Claims 22-37 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hilton (*PNAS* Vol. 93 pages 497-501, January 1996) in view of Aman (*J. Biol. Chem.* Vol. 271, No. 46 November 15 pages, 29265-29270, 1996) in view of Queen, *et al.* (U.S. Patent No. 5,693,762), Takatsu, *et al.* (U.S. Patent No. 5,453,491) and Ladner (U.S. Patent No. 4,946,778). The Applicants cancel claims 22-37 without prejudice or disclaimer, thus, rendering rejection of these claims moot.

Claims 25 and 28 stand rejected 35 U.S.C. § 103(a) as allegedly being unpatentable over Wilson, *et al.* (U.S. Patent No. 6,911,530) in view of Queen, *et al.* (U.S. Patent No. 5,693,762). The Applicants cancel claims 25 and 28 herein without prejudice or disclaimer, thus, rendering rejection of these claims moot.

Applicants reserve the right to prosecute, in one or more patent applications, the claims to non-elected inventions, the cancelled claims, the claims as originally filed, and any other claims supported by the specification. Applicants thank the Examiner for the Office Action and believe this response to be a full and complete response to such Office Action. Accordingly, favorable reconsideration and allowance of the pending claims is earnestly solicited. If it would expedite the prosecution of this application, the Examiner is invited to confer with the Applicants' undersigned attorney.

Respectfully submitted,



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